



Report to the Auburn City Council

Action Item
Agenda Item No. 7
City Manager's Approval

To: Mayor and City Council Members
From: Reg Murray, Senior Planner *RAM*
Date: February 28, 2011
Subject: Baltimore Ravine Specific Plan and Study Areas Project –
Files GPA 07-3; SPA 07-1; RE 07-1; SUB 07-2; DA-07-1

The Issue

Should the Auburn City Council approve the Baltimore Ravine Specific Plan (BRSP) and Study Area project proposed for the 406-acre Urban Reserve area situated in southwest Auburn? Approval of the proposal includes certification of the project Environmental Impact Report (composed of the Draft and Final EIRs); adoption of the Mitigation Monitoring Program and the Findings of Fact and Statement of Overriding Considerations; adoption of a Specific Plan (the BRSP); adoption of a General Plan Amendment; approval of a Rezone; approval of a Large Lot Tentative Map; approval of a Development Agreement; and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

Conclusions and Recommendation

The Auburn Planning Commission recommends that the Auburn City Council take the following actions relating to the Baltimore Ravine Specific Plan and Study Areas Project:

- A. By Resolution, take the following actions regarding the environmental document prepared for the Baltimore Ravine Specific Plan and Study Area Project:
 - a. Certify the Environmental Impact Report prepared for the Baltimore Ravine Specific Plan and Study Area project;
 - b. Adopt the Findings of Fact and Statement of Overriding Considerations; and
 - c. Adopt the Mitigation Monitoring Program.
- B. By Resolution, approve the General Plan Amendment associated with the Baltimore Ravine Specific Plan and Study Area Project (File GPA 07-3).
- C. By Resolution, approve the Baltimore Ravine Specific Plan and Study Area Project (File SPA 07-1).

- D. By Motion, introduce and hold a first reading, by title only, of an ordinance approving the rezone for Plan Area 1 of the BRSP as well as Study Areas 1-4 of the Baltimore Ravine Specific Plan and Study Areas Project.
- E. By Motion, introduce and hold a first reading, by title only, of an ordinance approving a Development Agreement by and between the City of Auburn and the Baltimore Ravine Investors, LLC.
- F. By Resolution, approve the Large Lot Tentative Map for Plan Area 1 of the Baltimore Ravine Specific Plan (File SUB 07-2) as presented, or as amended by the City Council.
- G. By Resolution, adopt the Statement of Reasons to Permit Development in a Mineral Resource Zone.

Background/Analysis

The Baltimore Ravine Specific Plan (BRSP) and Study Area Project (Project) is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The Auburn Planning Commission held public hearings to review the Project and accept public comment on September 21, 2010 and November 16, 2010. At the November 16th hearing, the Commission voted to certify the EIR prepared for the project and approve a Large Lot Tentative Subdivision Map for Plan Area 1 of the Project. The Commission also recommended that the City Council approve several entitlements for the Project, including a General Plan Amendment, Specific Plan, Rezone, Development Agreement, and a Statement of Reasons to Permit Development in a Mineral Resource Zone.

The certification of the EIR and the approval of the Large Lot Tentative Map was appealed by Mark Smith, an Auburn resident. The appeal was considered by the Auburn City Council on Thursday, January 13, 2011, at which time the Council also reviewed the Project as a whole and the recommendations presented by the Planning Commissioner.

After receiving considerable public input regarding both the Project and the appeal, the City Council voted to deny the appeal application. The City Council also voted to continue further discussion on the Project in order to obtain additional information regarding two issues:

- **Auburn Folsom Access Alternatives** - The City Council directed the Planning Commission to consider two alternatives to the Herdal Drive access - Alternative 4, which would connect to Auburn-Folsom Road at Pacific Street; and Alternative 5, which would connect to Auburn-Folsom Road approximately 750 feet south of Pacific Street. Council directed the Commission to recommend which of these two alternatives would provide better access to the BRSP.
- **Newcastle Interchange Mitigation Improvements** - Council also directed staff to initiate discussions with Placer County regarding implementation of Mitigation Measure 5.11-2, which calls for a fee program to fund improvements to the Interstate 80/Newcastle ramp intersection.

1. Auburn Folsom Access Alternatives -

The Planning Commission met on February 1, 2011, to consider the information that staff was developing to assist the Commission in their review of the access alternatives. The Commission took public comment regarding the access alternatives, including comments regarding the Herdal access, as well as letters and input from members of the Sipe family regarding right-of-way acquisition and eminent domain issues possibly affecting their family property in association with Alternatives 4 or 5.

The Planning Commission directed staff to provide information on a number of issues associated with Alternatives 4 and 5, including among other things topography, design, safety, and legal issues such as right-of-way acquisition and eminent domain. The Commission also asked staff to provide a similar review of the Herdal Drive access in order to enable the Commission to compare the Alternative accesses to the Herdal Drive access. The staff report for the February 1st hearing is provided as Attachment 1; the minutes of the meeting are provided as Attachment 2.

The Planning Commission held a subsequent public hearing on February 15, 2011. Staff prepared a report for the hearing (see Attachment 3) which provided details about each of the alternatives being considered by the Commission (e.g. descriptions of Alternative 4, 5, and the Herdal access). The report also included an review and analysis of a number of different issues as directed by the Commission. The Commission reviewed the information in the staff report and took comments from the public. The meeting minutes from the February 15th hearing are provided as Attachment 4.

The Planning Commission took two actions. First, Alternatives 4 and 5 were compared to each other, and the Commission found that Alternative 4 would provide better access than Alternative 5. The Commission then compared the two access alternatives as well as the Herdal Drive access proposed for the project, and concluded that the Herdal Drive access was clearly superior to both Alternatives 4 and 5 for a number of reasons, including safety issues (e.g. response times), legal concerns, impacts to natural resources, visual concerns, and cost. Following is an excerpt from the Planning Commission minutes where the Commissioners explain their recommendations:

Regarding the comparison of Alternatives 4 and 5:

“The Auburn Planning Commission recommends Alternative 4 to the Auburn City Council, with the explanation that the Planning Commission finds both alternatives unacceptable for the following reasons: (1) The negative impacts to emergency response times; (2) Exposure of the public and safety personnel to unsafe situations associated with: a) the length of the roadway in dense vegetated areas; b) Steep cuts and fill slopes; c) Steep road grades; and d) Increased criminal activity due to greater access to remote areas; (3) The City does not have existing dedicated rights-of-way for either of these two alternatives; (4) Eminent domain would be required to secure the required rights-of-way since private property owners have indicated, quite clearly,

that they would not be willing sellers; and (5) The use of eminent domain would expose the City to potential legal liabilities.”

Regarding the comparison of Alternatives 4, 5, and the Herdal access:

“...when the three accesses are considered, Herdal is clearly superior for many of the same reasons you mentioned. I’m just going to summarize mine: safety issues, disturbance of natural resources, legal difficulties, visual aesthetics. So, we recommend that Herdal be the approved access to the project, from the Planning Commission.”

A summary of some of the key issues reviewed in the staff report and discussed at the Commission hearing are provided below:

a. Legal Issues – The City Attorney’s explanations of the legal issues discussed below are provided in the draft minutes from the February 15, 2011 Planning Commission hearing (see Attachment 4; pg 2).

- i. The City Attorney clarified the legal scope of Council action regarding access (discussed in more detail in confidential memoranda provided to the Planning Commission, and City Council, on February 10, 2011). The applicant owns an easement over the Herdal Drive extension, and he is legally entitled to improve that easement to provide access from his property to Herdal Drive and to connect to Herdal Drive. Consequently, if the Council required that access be provided via Alternative 4 or 5, it would likely be in addition to rather than in place of the Herdal Drive access.

Note - As a result of the City Attorney’s comments regarding the applicant’s access rights to Herdal Drive (i.e. that Alternatives 4 or 5 would likely be in addition to the Herdal access), Staff asked the City’s traffic consultant to review the two access alternatives and comment as to the share of BRSP traffic that might use the alternative routes with the Herdal access also present (see Attachment 5). The traffic consultant’s findings conclude that Alternative 4 would attract 9%-10% of the total site traffic, dropping the Herdal share of traffic from $\pm 79\%$ to $\pm 70\%$. If Alternative 5 were selected, it would attract $\pm 3\%$ of the total site traffic with Herdal carrying $\pm 76\%$.

- ii. The City attorney explained the steps necessary to acquire the right-of-way for Alternative 4 or 5, as both alternatives cross portions of property owned by the Auburn Recreation District and the Sipe family (see the February 15th staff report – Exhibit A). The Sipe family has indicated that they do not intend to sell the necessary right of way for the Alternatives being considered, therefore, the City would likely need to acquire the land through eminent domain, which would require that the City make the following findings (Section 1240.030 of the Civil Procedures Code):

- The public interest and necessity require the project;
- The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury; and
- The property sought to be acquired is necessary for the project.

If eminent domain were required to secure any required right-of-way from ARD, the City would need to find that the intended use of the property (i.e. the access) is more necessary than the existing use as parkland. State law assumes that parkland is the best use of land, and the City would need to overcome this presumption. The City would likely need to replace the acquired land on a one-to-one basis.

b. Safety

Fire Department - The Fire Chief provided a memo analyzing the potential safety concerns for each of the three alternatives (February 15th staff report - Attachment 3). The Fire Chief expressed concern that Alternatives 4 and 5 would present a higher risk to both the public and firefighting personnel due to the length of the access and the circuitous path, higher response times, and routing through undeveloped and heavily vegetated terrain with steep slopes adjacent to the roadway. In addition, the new signal required for Alternative 5 would create additional delays on Auburn Folsom.

The Fire Chief estimated response times for each alternative, including Herdal Drive:

Approximate Response Times		
Origination of Response (Fire Station) and Route of Response	Response Time to Project Area (Minutes:Seconds)	
	Sacramento Station	Maidu Station
Access Alternative #4	5:24	5:39
Access Alternative #5	5:36	5:24
Herdal Drive Proposal	4:12	2:10

In a comparison of Alternatives 4 and 5, the Chief selected Alternative 4 as it presented fewer impacts. When comparing Alternatives 4, 5 and the Herdal Drive access, the Chief selected the Herdal access due to direct access, reasonable response times, access through existing developed areas, and no inhibitors such as road grades and curves.

Police Department - The Police Chief also addressed potential safety concerns (February 15th staff report - Attachment 4). The Police Chief stated that opening up the area with either Alternative 4 or 5 would increase potential access onto private land and UPRR property, increasing possibilities for illegal camping and campfires,

exposure to human waste, illegal dumping, safety conflicts with the UP rail lines, and enticement for skateboarders.

The Police Chief recommends avoiding access by either Alternative 4 or 5, and recommends Herdal Drive as the access route for the project as it provides more direct access, minimizes construction in the UPRR, and reduces the likelihood of additional trespassing and criminal activity.

c. Visual Quality

Alternatives 4 and 5 both include embankments, abutments and bridges which would be visible from Auburn-Folsom Road. Conceptual views were prepared looking north on Auburn Folsom (February 15th staff report – Attachments 6 and 7). The road and associated improvements would also be visible from the ARD Rec Park, the Sipe family property, and some residences in the Knollwood and Awali neighborhoods to the north and northwest.

The Herdal Drive extension would place soundwalls along the backyards of existing residences on either side of the right-of-way. For residents to the south, their view generally changes from 6-foot tall wooden fence to a 7-foot tall masonry wall. The properties to the north would experience more substantial changes, as most of the backyards currently have uninterrupted views of the undeveloped right-of-way. Under the proposed project, a 7-foot to 8-foot tall masonry wall would be constructed along the backyards of these lots, restricting views beyond the property line.

In summary, the visual impacts of Alternatives 4 and 5 would be similar because the embankment and bridges would both be visible from Auburn-Folsom Road and surrounding areas. The visual impact of the Herdal Drive extension would generally be less severe than either Alternative 4 or 5 because it would not be visible from a public road or park, though the impact would be more severe for those residents on the north side of the extension because their current views would be replaced by a 7'-8' tall masonry wall.

d. Disturbance of Natural Resources

The site access plan, February 15th staff report – Exhibit A, identifies the proposed alignments for Alternatives 4, 5, and the Herdal access. The road alignments are also illustrated on slope maps (February 15th staff report – Exhibits B&C).

Alternatives 4 and 5 are very similar and would require extensive cut and fill due to the steep slopes throughout their alignments. The area impacted by cut and fill slopes would be over 250' wide, with fills of up to 80' deep and cuts up to 50' tall. Alternative 4 would displace approximately 14 acres of undeveloped land, almost all of which is dense woodland. Alternative 5 would disturb approximately 13 acres, primarily dense woodland. In contrast, the Herdal access has no significant fills, would not disturb any natural drainages, and would disturb approximately 1.5 acres of land, much of it previously disturb.

The resulting road grades for Alternatives 4 and 5 include significant areas with grades up to 15% (February 15th staff report – Exhibits D&E). The maximum grade for the Herdal extension would be 6% for a short portion of the alignment (February 15th staff report – Exhibit F). By comparison, the road grade for Auburn Folsom Road, south of Indian Hill Road to the entry of the Vintage Oaks subdivision is 6%-7%, while the entry to the Nevada Street Office project next to the Regal Cinema is 15%.

2. Newcastle Interchange Mitigation Improvements

As noted above, at the January 13th hearing, Council directed staff to engage with Placer County in regards to Mitigation Measure 5.11-2, which calls for a fee program to fund improvements to the Interstate 80/Newcastle ramp intersection “if and when the City and County enter into an enforceable, reciprocal agreement for the collection of traffic fees”. City staff met with Placer County public works staff on January 27, 2011. The County stated that the approach identified in the mitigation measure was appropriate, but that there were several factors that would need to be addressed before installing a signal at that location. None of the applicable planning documents identifies a signal at that location, so at a minimum, the Auburn-Bowman Community Plan as well as the County Capital Improvements Plan would need to be amended to include the signal. In addition, Caltrans plans to replace the overpass in the future, so any changes to the intersection would need to be coordinated with that agency. Caltrans would also need to approve an encroachment permit.

City and County staff agreed at the meeting that additional discussion would occur if and when the BRSP and Study Area project is approved and the mitigation measure is adopted. The discussion items were summarized in the attached letter (see Attachment 6) provided to the County following the meeting.

3. Other Issues

- a. Proposed Access Phasing - The Planning Commission asked for clarification of the circulation plan proposed in the BRSP, specifically the number and timing of proposed access points. The Project provides for three (3) access points - Herdal Drive, Werner Road and Perry Ranch Road (emergency access only). These access points would serve Plan Area 1 alone, as well as the full BRSP. Access would be provided as follows:

- **0 to 5 units:** A connection must be provided from Plan Area 1 to Herdal Drive, the primary access, including a bridge over Bloomer Cut. The units to be served would be model homes.
- **6 to 75 units:** Prior to a building permit for the 6th dwelling unit, a secondary access would be constructed from Plan Area 1 through Plan Area 2 to Rogers Lane, which connects to Werner Road. Crossing arms would be installed at the

existing at-grade rail road crossing. In addition, a connection would be made from Plan Area 1 to Perry Ranch Road to provide an un-gated emergency access; no improvements would be made to Perry Ranch Road.

- **76+ units:** Prior to a building permit for the 76th dwelling unit, the Herdal-Werner Connector must be completed, providing an east-west connection from Herdal Drive to Werner Road. At that time, project access to Rogers Lane would be restricted.
- b. Subsequent Approvals - At it's meeting on January 13, 2011, the City Council discussed the subsequent approvals and the levels of review for Plan Area 1, Plan Area 2 and the Study Areas. The table below, which assumes approval of the BRSP project, identifies the approvals necessary for each plan area and the study areas, as well as the reviewing bodies. A brief discussion regarding the subsequent approvals follows the table.

BRSP and Study Areas - Subsequent Approvals				
Approval	Plan Area 1	Plan Area 2^a	Study Areas^b	Public Hearing
General Plan Amendment (Designation)		X		PC & CC
Specific Plan Amendment (Design Guidelines, Development Standards at a minimum)		X		PC & CC
Rezone		X		PC & CC
Incorporate UHDR zone in Ordinance		X		PC & CC
Development Agreement		X		PC & CC
Large Lot Map		X	X	PC & CC
Small Lot Tentative Map	X	X	X	PC
Tree Permit	X	X	X	PC
Improvement Plans	X	X	X	Staff
Encroachment Permit	X	X	X	Staff
Building Permit	X	X	X	Staff
Project-level CEQA Analysis			X	
Notes:				
a. Assumes proposed land uses consistent with BRSP and EIR assumptions. If deviations proposed, additional analysis and approvals would be required.				
b. Assumes proposed land uses consistent with zoning and EIR assumptions, and that property is subdivided.				
PC – Planning Commission CC – City Council				

Plan Area 1 would require approval of Small Lot Tentative Maps, Tree Permits, Improvement Plans, Building Permits, and Encroachment Permits. The Planning Commission would approve the Small Lot Tentative Map and Tree Permit, which require public hearings, while City staff would approve the Improvement Plans, Building Permits, and Encroachment Permits.

Plan Area 2 would require public hearings with both the Planning Commission and City Council in order to approve any General Plan Amendments, Rezoning, the addition of the UHDR zone to the Zoning Ordinance, Development Agreements, and amendments to the Specific Plan (BRSP). If these actions are approved, the Planning Commission would then need to approve the Large Lot Tentative Map, Small Lot Tentative Map and Tree Permit. City staff could then approve Improvement Plans, Building Permits, and Encroachment Permits.

Study Areas 1-4 would require project-specific CEQA analysis, Small Lot Tentative Maps, and Tree Permits, all of which would require review and approval at public hearings held by the Planning Commission. The proposal would need to be consistent with the proposed rezone to 2-acre minimum residential lots. City staff would then be responsible for approving Improvement Plans, Building Permits, and Encroachment Permits.

- c. Land Use and Zoning – Questions have been raised previously about the number of units that could be built in the Baltimore Ravine area. As noted above, the land use designation for the 406-acre project area is Urban Reserve (UR). The UR designation was placed on the Baltimore Ravine area with the 1979 General Plan update. The General Plan requires the approval of a specific plan to effectuate a change to that land use designation. The underlying zoning for the property, which was in place at the time the UR designation was applied to the Baltimore Ravine area, includes a mix of Single-family residential (R1-10), Agricultural Residential, and Mineral Extraction (ME).

Assuming that the UR designation was to be removed from the Baltimore Ravine area, the underlying zoning would provide for the potential development of 1,050 dwelling units, including 685 units in the BRSP area and 365 units in the four Study Areas. A total of 394 units would be possible for Plan Area 1, with a total of 291 units for Plan Area 2. The possible units for the Study Areas break down as 29, 60, 82, and 194 for Study Areas 1-4, respectively.

Additional Information

Copies of all documents referenced in this report are maintained by, and are available for review in, the Auburn City Clerk's Office at 1225 Lincoln Way, as well as posted on the City's website: www.auburn.ca.gov. Please contact (530) 823-4211 ext 112 with questions.

ATTACHMENTS

1. Planning Commission Staff Report – February 1, 2011
2. Draft Planning Commission Meeting Minutes – February 1, 2011
3. Planning Commission Staff Report – February 15, 2011
4. Draft Planning Commission Meeting Minutes – February 15, 2011
5. Letter from KD Anderson dated February 17, 2011
6. City Memo to Placer County Public Works dated February 18, 2011

EXHIBITS

- A. Resolution – Certification of EIR (Draft EIR + Final EIR); Findings of Fact and Statement of Overriding Considerations; and Mitigation Monitoring Program for the Baltimore Ravine Specific Plan and Study Areas Project
- B. Resolution – General Plan Amendment for the BRSP, Plan Area 1, and Study Areas
- C. Resolution – Baltimore Ravine Specific Plan (plus Addendum dated July 7, 2010)
- D. Ordinance – Rezone for BRSP Plan Area 1 and Study Areas 1-4
- E. Ordinance – Development Agreement with Baltimore Ravine Investors LLC for BRSP Plan Area 1
- F. Resolution – Large Lot Tentative Map for Plan Area 1
- G. Resolution – Statement of Reasons to Permit Development in a Mineral Resource Zone

CITY COUNCIL RESOLUTION NO. 11-_____

A RESOLUTION FOR CERTIFICATION OF AN ENVIRONMENTAL IMPACT
REPORT, ADOPTION OF FINDINGS OF FACT & STATEMENT OF OVERRIDING
CONSIDERATIONS AND ADOPTION OF A MITIGATION MONITORING
PROGRAM FOR THE BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA
PROJECT

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed public hearing at its regular meeting of February 28, 2011 to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. The appeal application submitted by Mark Smith dated November 24, 2010.
2. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City

Council meeting and for the December 15, 2009, July 13, 2010, September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.

3. Staff presentations at the public hearings held on January 13, 2011 and February 28, 2011.
4. The Notice of Preparation (NOP) prepared for the Project (December 2007).
5. The NOP prepared for the Project (January 2009).
6. The Addendum to the 2009 NOP (April 2009).
7. All comments submitted by the public during the public comment period on the NOP's.
8. All public notices in conjunction with the Project.
9. The Draft EIR (DEIR).
10. All comments submitted by the public during the public comment period on the DEIR.
11. The Final EIR (FEIR) for the Project.
12. The Findings of Fact and Statement of Overriding Considerations for the Project.
13. The Mitigation Monitoring Program (MMP) for the Project.
14. All findings and resolutions adopted by the City in connection with the Project.
15. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
16. All documents submitted to the City by agencies or members of the public in connection with the Project.

- 1 17. Any minutes or transcripts of public meetings held by the City for
2 the Project.
3 18. Matters of common knowledge to the City, including, but not
4 limited to federal, state, and local laws and regulations.
5 19. Public comments, written and oral, received and/or submitted at or
6 prior to the public hearing, supporting and/or opposing the
7 applicant's request.
8 20. The City of Auburn General Plan, Zoning Ordinance, and all other
9 applicable regulations and codes.
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11 SECTION 3. On January 13, 2011, the Auburn City Council denied the
12 appeal filed by Mark Smith against the certification of the project
13 Environmental Impact Report (including the Final EIR, Mitigation Monitoring
14 Program, and the Findings of Fact and Statement of Overriding
15 Considerations) prepared for the Baltimore Ravine Specific Plan and Study
16 Areas project.
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18 SECTION 4. In review of all the foregoing evidence, the Auburn City
19 Council finds that the Planning Commission properly made all applicable
20 findings and all applicable provisions of the municipal code have been
21 complied with.
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23 SECTION 5. The City of Auburn City Council hereby adopts the Findings
24 of Fact and Statement of Overriding Considerations prepared for the
25 Baltimore Ravine Specific Plan and Study Areas project, attached hereto as
26 Exhibit A to this resolution, and incorporated by this reference as if set forth
27 fully herein.
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1 SECTION 6. The City of Auburn City Council hereby certifies the
2 Environmental Impact Report prepared for the Baltimore Ravine Specific Plan
3 and Study Areas project.
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5 SECTION 7. The City of Auburn City Council hereby adopts the
6 Mitigation Monitoring Program (MMP) prepared for the Baltimore Ravine
7 Specific Plan and Study Areas project, which is incorporated as part of the
8 EIR.
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10 SECTION 8. The time in which to seek judicial review of this decision
11 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk
12 shall certify to the adoption of this resolution, transmit copies of the same to
13 the applicant and his counsel, if any, together with a proof of mailing in the
14 form required by law and shall enter a certified copy of this resolution in the
15 book of resolutions of the City.
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17 DATED: February 28, 2011
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20 _____
William W. Kirby, M.D., Mayor
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22 ATTEST:
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Joseph G. R. Labrie, City Clerk
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1 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
2 that the foregoing resolution was duly passed at a special meeting of the City
3 of Auburn City Council held on February 28, 2011 by the following vote on
roll call:

4 Ayes:

5 Noes:

6 Absent:

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8 Joseph G. R. Labrie, City Clerk
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CITY COUNCIL RESOLUTION NO. 11-_____

A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT FOR THE
BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT
(FILE: GPA 07-3)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed public hearing at its regular meeting of February 28, 2011 to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings, and for the December 15, 2009, July 13, 2010, September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.

2. Staff presentations at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.
5. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
6. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
7. All related documents received and/or submitted at or prior to the public hearing.
8. Any minutes or transcripts of public meetings held by the City for the Project.
9. All findings and resolutions adopted by the City in connection with the Project.
10. Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
11. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
12. The Environmental Impact Report and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 11-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval

1 of actions contemplated by this resolution complies with the California
2 Environmental Quality Act.

3
4 SECTION 4. General Plan Amendment. In view of all of the entire
5 Administrative Record, including the reasons set forth in the Environmental
6 Impact Report, the Auburn City Council approves the General Plan
7 Amendment (File GPA 07-3) for the Baltimore Ravine Specific Plan and Study
8 Area project subject to the following:

9
10 1. Amend the Auburn General Plan land use map as follows:

- 11 a. Plan Area 1 - Replace the existing Urban Reserve (UR)
12 designation with the land use designations as shown within the
13 BRSP.
14 b. Future Plan Area 2 - Retain the existing Urban Reserve
15 designation.
16 c. Study Areas 1-4 - Replace the Urban Reserve designation with
17 Rural Density Residential (RDR - 0.5 du/ac) with a 2-acre lot
18 size minimum.
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21 2. Amend the Auburn General Plan by adopting a new Urban High
22 Density Residential (UHDR) designation, which would allow for a
23 density of 10-20 units per acre.

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25 SECTION 5. The time in which to seek judicial review of this decision
26 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk
27 shall certify to the adoption of this resolution, transmit copies of the same to
28 the applicant and his counsel, if any, together with a proof of mailing in the

1 form required by law and shall enter a certified copy of this resolution in the
2 book of resolutions of the City.

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5 DATED: February 28, 2011

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7 William W. Kirby, M.D., Mayor

8 ATTEST:

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10 Joseph G. R. Labrie, City Clerk

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12
13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
14 that the foregoing resolution was duly passed at a special meeting of the City
15 of Auburn City Council held on February 28, 2011 by the following vote on
roll call:

16 Ayes:
17 Noes:
18 Absent:

19 Joseph G. R. Labrie, City Clerk

CITY COUNCIL RESOLUTION NO. 11-_____

A RESOLUTION APPROVING THE BALTIMORE RAVINE SPECIFIC PLAN
(FILE: SPA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed public hearing at its regular meeting of February 28, 2011 to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings, and for the December 15, 2009, July 13, 2010, September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.

2. Staff presentations at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.
5. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
6. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
7. All related documents received and/or submitted at or prior to the public hearing.
8. Any minutes or transcripts of public meetings held by the City for the Project.
9. All findings and resolutions adopted by the City in connection with the Project.
10. Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
11. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
12. The Environmental Impact Report and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 11-___ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval

1 of actions contemplated by this resolution complies with the California
2 Environmental Quality Act.

3
4 SECTION 4. Specific Plan Finding. In view of all of the entire
5 administrative record, including the reasons set forth in the Environmental
6 Impact Report, the Auburn City Council finds the following for the Specific
7 Plan (File SPA 07-1) for the Baltimore Ravine Specific Plan and Study Area:

- 8
9 1. The Baltimore Ravine Specific Plan and Study Area project is
10 consistent with the objectives, policies, and general land uses and
11 programs specified in the City of Auburn General Plan.
12

13 SECTION 5. Specific Plan. Based upon the entirety of the record as
14 noted above, the Auburn City Council approves the Baltimore Ravine Specific
15 Plan dated October 5, 2009 (attached as Exhibit A) and as modified to include
16 the Addendum dated July 7, 2010 (attached as Exhibit B).
17

18 SECTION 6. The time in which to seek judicial review of this decision
19 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk
20 shall certify to the adoption of this resolution, transmit copies of the same to
21 the applicant and his counsel, if any, together with a proof of mailing in the
22 form required by law and shall enter a certified copy of this resolution in the
23 book of resolutions of the City.
24

25 DATED: February 28, 2011
26

27 _____
28 William W. Kirby, M.D., Mayor

1 ATTEST:

2
3 _____
4 Joseph G. R. Labrie, City Clerk

5 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
6 that the foregoing resolution was duly passed at a special meeting of the City
7 of Auburn City Council held on February 28, 2011 by the following vote on
8 roll call:

9 Ayes:

10 Noes:

11 Absent:

12 _____
13 Joseph G. R. Labrie, City Clerk
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ORDINANCE NO. 11-

AN ORDINANCE APPROVING A REZONE FOR THE BALTIMORE RAVINE
SPECIFIC PLAN AND STUDY AREAS PROJECT (FILE RE 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed public hearing at its regular meeting of February 28, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes the rezone of Plan Area 1 of the Baltimore Ravine Specific Plan as well as Study Areas 1-4 of the Urban Reserve area.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.
2. Staff presentation at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.

- 1 5. All reports, studies, memoranda, maps, and other planning
- 2 documents relating to the Project prepared by the City, the City's
- 3 consultants, or responsible or trustee agencies with respect to the
- 4 City's compliance with the requirements of CEQA and with respect
- 5 to the City's action on the Project.
- 6 6. Public comments, written and oral, received and/or submitted at or
- 7 prior to the public hearing, supporting and/or opposing the
- 8 applicant's request.
- 9 7. All related documents received and/or submitted at or prior to the
- 10 public hearing.
- 11 8. Any minutes or transcripts of public meetings held by the City for
- 12 the Project.
- 13 9. All findings and resolutions adopted by the City in connection with
- 14 the Project.
- 15 10. Matters of common knowledge to the City, including, but not
- 16 limited to federal, state, and local laws and regulations.
- 17 11. The City of Auburn General Plan, Zoning Ordinance, and all other
- 18 applicable regulations and codes.
- 19 12. The Environmental Impact Report and all related documents.

20
21 Whereas, the Rezone for the Baltimore Ravine Specific Plan and Study
22 Area project (File RE 07-1) is:

- 23 1. Consistent with the City of Auburn General Plan; and
- 24 2. Not detrimental to the public interest, health, safety, or welfare of
- 25 the City.

26
27 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:
28

1 Section 1: The Zoning Map of the City of Auburn, adopted by reference
2 by Section 159.017 of Chapter 159 of Title XV of the Auburn Municipal Code,
3 is hereby amended as follows:

- 4
- 5 1. Plan Area 1 of the BRSP – Rezone Plan Area 1 consistent with the
 - 6 BRSP land use designations.
 - 7 2. Future Plan Area 2 of the BRSP – Retain the existing zoning.
 - 8 3. Study Areas 1-4 – Rezone Study Areas 1, 2, 3, and 4 to Agricultural
 - 9 Residential with a 2-acre lot size minimum (AR-2).

10 Section 2: All requirements of the California Planning Act, the California
11 Environmental Quality Act, and of Chapter 159 of Title XV of the Auburn
12 Municipal Code, including hearings upon property notice, have been fully
13 complied with by the Planning Commission and the City Council in the
14 adoption of this zoning amendment.

15

16 Section 3: This Ordinance shall take effect thirty days following its
17 adoption as provided by Government Code Section 36937.

18

19 Section 4: Should any provision of this Ordinance, or its application to
20 any person, parcel or circumstance, be determined by a court of competent
21 jurisdiction to be unlawful, unenforceable or otherwise void, that
22 determination shall have no effect on any other provision of this Ordinance or
23 the application of this Ordinance to any other person, parcel or circumstance
24 and, to that end, the provisions hereof are severable.

25 Section 5: The City Clerk shall certify to the passage and adoption of
26 this Ordinance and shall give notice of its adoption as required by law.

27

28 DATED: February 28, 2011

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William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a special meeting of the City Council of the City of Auburn held on the 28th day of February 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

ORDINANCE NO. 11-

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF AUBURN AND BALTIMORE RAVINE INVESTORS, LLC. FOR PLAN
AREA 1 OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE DA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed public hearing at its regular meeting of February 28, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes a Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC for Plan Area 1 of the Baltimore Ravine Specific Plan.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.
2. Staff presentation at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.

- 1 5. All reports, studies, memoranda, maps, and other planning
2 documents relating to the Project prepared by the City, the City's
3 consultants, or responsible or trustee agencies with respect to the
4 City's compliance with the requirements of CEQA and with respect
5 to the City's action on the Project.
- 6 6. Public comments, written and oral, received and/or submitted at or
7 prior to the public hearing, supporting and/or opposing the
8 applicant's request.
- 9 7. All related documents received and/or submitted at or prior to the
10 public hearing.
- 11 8. Any minutes or transcripts of public meetings held by the City for
12 the Project.
- 13 9. All findings and resolutions adopted by the City in connection with
14 the Project.
- 15 10. Matters of common knowledge to the City, including, but not
16 limited to federal, state, and local laws and regulations.
- 17 11. The City of Auburn General Plan, Zoning Ordinance, and all other
18 applicable regulations and codes.
- 19 12. The Environmental Impact Report and all related documents.

20 WHEREAS, the City Council of the City of Auburn adopts the following
21 findings for the Development Agreement by and between the City of Auburn
22 and Baltimore Ravine Investors, LLC:
23

- 24 1. The development agreement is consistent with the objectives,
25 policies, general land uses, and programs specified in the general
26 plan and any applicable specific plan;
27
28

2. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. The development agreement is in conformity with the public convenience and general welfare and good land use practices;
4. The development agreement will not be detrimental to the health, safety and general welfare;
5. The development agreement will not adversely affect the orderly development of property or the preservation of property values; and
6. The development agreement will provide sufficient benefit to the city to justify entering into the agreement.
7. The applicant is a "qualified applicant" within the meaning of Auburn Municipal Code Section 157.04.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section 1: The City Council of the City of Auburn hereby approves the Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC, attached hereto as Exhibit A.

Section 2: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section 3: Should any provision of this Ordinance, or its application to any person, parcel or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person, parcel or circumstance and, to that end, the provisions hereof are severable.

DATED: February 28, 2011

ATTEST:

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a special meeting of the City Council of the City of Auburn held on the 28th day of February 2011 by the following vote on roll call:

Joseph G. R. Labrie, City Clerk

Michael G. Colantuono, City Attorney

CITY COUNCIL RESOLUTION NO. 11-_____

A RESOLUTION APPROVING A LARGE LOT TENTATIVE MAP FOR PLAN AREA 1
OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE: SUB 07-2)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed public hearing at its regular meeting of February 28, 2011 to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes approval of a Large Lot Tentative Subdivision Map which creates a total of seventeen (17) parcels that are consistent with the land use plan in Plan Area 1 of the BRSP.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings, and for the December 15, 2009, July 13, 2010, September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.
2. Staff presentations at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.

- 1 5. All reports, studies, memoranda, maps, and other planning
- 2 documents relating to the Project prepared by the City, the City's
- 3 consultants, or responsible or trustee agencies with respect to the
- 4 City's compliance with the requirements of CEQA and with respect
- 5 to the City's action on the Project.
- 6 6. Public comments, written and oral, received and/or submitted at or
- 7 prior to the public hearing, supporting and/or opposing the
- 8 applicant's request.
- 9 7. All related documents received and/or submitted at or prior to the
- 10 public hearing.
- 11 8. Any minutes or transcripts of public meetings held by the City for
- 12 the Project.
- 13 9. All findings and resolutions adopted by the City in connection with
- 14 the Project.
- 15 10. Matters of common knowledge to the City, including, but not
- 16 limited to federal, state, and local laws and regulations.
- 17 11. The City of Auburn General Plan, Zoning Ordinance, and all other
- 18 applicable regulations and codes.
- 19 12. The Environmental Impact Report and all related documents.
- 20

21 SECTION 3. CEQA. Because the Auburn City Council approved
22 Resolution 11-__ certifying the BRSP Environmental Impact Report, which
23 analyzed the approvals contemplated by this resolution, the ultimate approval
24 of actions contemplated by this resolution complies with the California
25 Environmental Quality Act.

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1 SECTION 4. On January 13, 2011, the Auburn City Council denied the
2 appeal filed by Mark Smith against approval of the Large Lot Tentative
3 Subdivision Map proposed for Plan Area 1 of the BRSP.
4

5 SECTION 5. Findings. In view of all of the evidence and based on the
6 foregoing findings, and the reasons set forth in the Environmental Impact
7 Report, the City of Auburn City Council finds the Planning Commission
8 properly made all applicable findings and all applicable provisions of the
9 Municipal Code have been complied with. The City Council further finds the
10 following for the Baltimore Ravine Specific Plan Large Lot Tentative Map:
11

- 12 1. The proposed subdivision is consistent with the Auburn General
13 Plan and the Baltimore Ravine Specific Plan.
- 14 2. The design or improvement of the proposed subdivision is
15 consistent with the objectives, policies, general land uses, and
16 programs specified in the Auburn General Plan and the Baltimore
17 Ravine Specific Plan.
- 18 3. The site is physically suitable for the proposed development.
- 19 4. The site is physically suitable for the proposed density of
20 development.
- 21 5. The design of the subdivision or the proposed improvements is not
22 likely to cause substantial environmental damage or substantially
23 and avoidably injure fish or wildlife or their habitat.
- 24 6. The design of the subdivision or improvements is not likely to cause
25 serious public health problems.
- 26 7. The design of the subdivision or the type of improvements will not
27 conflict with easements, acquired by the public at large, for access
28 through or use of, property within the proposed subdivision.

- 1 8. The site for the proposed use is adequate in size, shape, and
2 topography for the proposed uses.
- 3 9. The site has sufficient access to streets which are adequate, in
4 width and pavement type, to carry the quantity and quality of
5 traffic generated by the proposed use as demonstrated by the
6 traffic analysis in the EIR and by virtue of the on-site private street
7 network depicted on the tentative tract map. The streets within
8 the tract meet City standards.
- 9 10. The proposed use will not unreasonably interfere with the use,
10 possession and enjoyment of surrounding and adjacent properties
11 for the reasons stated in the Findings of Fact.
- 12 11. The public interest, convenience, and necessity require that use be
13 permitted at the location requested for the reasons stated in the
14 Findings of Fact.

15
16 SECTION 6. The time in which to seek judicial review of this decision
17 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk
18 shall certify to the adoption of this resolution, transmit copies of the same to
19 the applicant and his counsel, if any, together with a proof of mailing in the
20 form required by law and shall enter a certified copy of this resolution in the
21 book of resolutions of the City.

22
23 DATED: February 28, 2011

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25
26

William W. Kirby, M.D., Mayor
27
28

1 ATTEST:

2
3 Joseph G. R. Labrie, City Clerk

4
5
6 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
7 that the foregoing resolution was duly passed at a special meeting of the City
8 of Auburn City Council held on February 28, 2011 by the following vote on
9 roll call:

10 Ayes:

11 Noes:

12 Absent:

13 Joseph G. R. Labrie, City Clerk

CITY COUNCIL RESOLUTION NO. 11-_____

A RESOLUTION APPROVING THE STATEMENT OF REASONS TO PERMIT
DEVELOPMENT IN A MINERAL RESOURCE ZONE

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE
AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed public hearing at its regular meeting of February 28, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings, and for the December 15, 2009, July 13, 2010, September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.

2. Staff presentations at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.
5. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
6. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
7. All related documents received and/or submitted at or prior to the public hearing.
8. Any minutes or transcripts of public meetings held by the City for the Project.
9. All findings and resolutions adopted by the City in connection with the Project.
10. Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
11. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
12. The Environmental Impact Report and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 11-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval

1 of actions contemplated by this resolution complies with the California
2 Environmental Quality Act.

3
4 SECTION 4. Statement of Reasons. In view of all of the evidence, the
5 City of Auburn City Council finds the "Statement of Reasons to Permit
6 Development in a Mineral Resource zone in the City of Auburn Urban Reserve"
7 (attached hereto as Exhibit A) to be correct, and directs the Community
8 Development Director to submit the Statement of Reasons to the California
9 Division of Mines and Geology.

10
11 SECTION 5. The time in which to seek judicial review of this decision
12 shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk
13 shall certify to the adoption of this resolution, transmit copies of the same to
14 the applicant and his counsel, if any, together with a proof of mailing in the
15 form required by law and shall enter a certified copy of this resolution in the
16 book of resolutions of the City.

17
18 DATED: February 28, 2011

19
20 _____
William W. Kirby, M.D., Mayor

21 ATTEST:

22
23 _____
Joseph G. R. Labrie, City Clerk

24
25
26 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
27 that the foregoing resolution was duly passed at a special meeting of the City
28 of Auburn City Council held on February 28, 2011 by the following vote on
roll call:

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Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk